

Docket No.: YOR920020013US1

REMARKS

These remarks follow the order of the paragraphs of the office action. Relevant portions of the office action are shown indented and italicized.

DETAILED ACTION

Response to Amendment: Applicant has amended claims 1, 10, 11, 13 and 15. Claims 9, 14, 18 and 26 have been canceled. Claims 1-8, 10-13, 15, 17 i9-25 and 27 are pending.

Response to Arguments: Applicant's arguments filed 6/19/2005 have been fully considered but they are not persuasive.

A. Applicant argues, in substance, that the claims are allowable because 'the independent claims were amended to include the limitations of the allowable [objected to] claims' and because the claims have not been "anticipated or made obvious by the cited art' (Remarks, page 9).

B. The Examiner respectfully disagrees. The previous non-final Office Action mailed on 3/15/2005 indicated that claims 9, 14, 18 and 26 are objected to for containing minor informalities. In addition to these objections, claims 9, 14 and IS were also rejected under a 35 USC. 102(e) rejection under the prior art Blight c/ cii (US Publication 2002/0194498). The Office Action included no indication or statement of allowability for these objected to claims or any of the pending claims, because all of the pending claims were rejected under prior art rejections under 35 U.S.C. 102(e) and/or 35 U.S.C. 103(a). Therefore the incorporation of dependent claims 9, 14 and IS into independent claims I, 13 and IS, respectively, is insufficient to overcome the prior art rejections and furthermore fails to qualify the claims for allowability. Thus the rejection of the pending claims is sustained.

In response applicants respectfully state that it is now recognized that the objected-to claims were also rejected. In the continued prosecution, the claims stand as amended.

Examiner Note 2. The Examiner notes claims 10 and 11 have been amended but lack the proper status identifiers. Under rule 37 C.F.R. 1.121 it states: All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. [The text of any deleted subject matter must be shown by being placed within

Application/Control Number: 10/053,011

8/18

Docket No.: YOR920020013US1

double brackets if strike-through cannot be easily perceived. Only claims having the status of currently amended?' or "withdrawn" if also being amended, shall include markings. if a withdrawn claim is currently amended, its status in the claim listing may be identified as ""withdrawn—currently amended. When claim text in clean version is required. The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, .1.0., without any markings in the presentation of text. The presentation or a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining. Therefore, appropriate correction and indication of the amended claims is required.

In response applicants respectfully state that claims 10 and 11 should have indicated that they were 'currently amended'. In the claim listing provided herewith, these claims are shown to be (previously presented) and not (original).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless — (C) the invention was described in (1) an application for patent published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant (or patent, except that an international application filed under the treaty defined in section 851 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under article 21(2) of such treaty in the English language.

4. Claims 1-7, 9-16, and 18-27 are rejected under 35 U.S.C. [02(e) as being anticipated by Blight et al (US 2002/0194498).

In response applicants respectfully state that the present invention "enables a local or remote service requester (requesting device) to communicate a request to a service domain proxy which will dynamically resolve the request among the currently available providers within its local domain. Mobile service providers entering or leaving the local domain of the proxy may announce or withdraw their services without requiring any recording entity." The present invention also "provides a method in which personal pervasive devices may enter and leave a local domain often and still allow consumers of their service to easily detect their availability." Claims 1-7, 9-16, and 18-27 as they presently stand provide these desirable advantageous results.

Blight, the cited reference, apparently discloses an infrastructure "configured to more effectively service mobile devices having wireless communications links to the communications network.

Application/Control Number: 10/053,011

9/18

Docket No.: YOR920020013US1

1 Blight is apparently not concerned with dynamically resolving a request among the currently
2 available providers within its local domain.

3 Thus Blight does not anticipate the invention claimed in claims 1-7, 9-16, and 18-27. These
4 claims are allowable over Blight with or without the subsequently cited reference.

5 *Regarding claim 1, Blight et al teach a method comprising a requester discovering at*
6 *least one service in a local domain, including the steps of obtaining an address of a proxy*
7 *serving as a Service Discovery Proxy for said local domain (page 2, section 0017 and*
8 *page 4, section 0067 and page 5, section 0110-0113); establishing a connection to said*
9 *Service Discovery Proxy; and employing said Service Discovery Proxy in discovering*
10 *dynamic availability of said at least one service in said local domain (page 1 section*
11 *0016 and page 4, section 0075-0057 and 0104 and page 7, section 0205-0221), wherein*
12 *the step of employing includes: said Service Discovery Proxy receiving a request from*
13 *said requester for service discovery; said Service Discovery Proxy invoking a service*
14 *discovery protocol in said local domain; customizing responses from services in said*
15 *local domain; and said Service Discovery Proxy sending customized responses to said*
16 *requester (page 2, section 0017 and page?, section 0205-0221).*

17 In response applicants respectfully state that claim 1 reads:

18 A method comprising a requester discovering at least one service in a local domain,
19 including the steps of:

20 obtaining an address of a proxy serving as a Service Discovery Proxy for said
21 local domain;

22 establishing a connection to said Service Discovery Proxy; and

23 employing said Service Discovery Proxy in discovering dynamic availability of
24 said at least one service in said local domain, wherein the step of employing
25 includes:

26 said Service Discovery Proxy receiving a request from said requester for service
27 discovery;

28 said Service Discovery Proxy invoking a service discovery protocol in said local
29 domain;

30 customizing responses from services in said local domain; and

31 said Service Discovery Proxy sending customized responses to said requester.

32 Blight apparently does not have or obtain an address of a proxy serving as a Service Discovery
33 Proxy for said local domain, as in the first step of claim 1.

Application/Control Number: 10/053,011

10/18

Docket No.: YOR920020013US1

1 Blight does discovery as in Blight [0111] to [0114]:

2 [0111] A mobile resource server may be discovered through multiple mechanisms,
3 including but not limited to the following:

4 [0112] 1. It may be registered with a Bluetooth Service Discovery server.

5 [0113] 2. It may be registered with any network service discovery servers such
6 as JINI.

7 [0114] 3. It may be detected through an IP broadcast on the local LAN to a
8 predetermined port (not yet assigned).

9 Thus, Blight does not do the other steps of claim 1 regarding "said Service Discovery Proxy."

10 Blight does not do customization as in claim 1. Customization as used in these claims is defined
11 in the specification page 6, "[T]he response to the service discovery received from the local
12 devices is customized 503, wherein the customizing includes formatting, filtering, aggregating,
13 and/or selecting particular responses. Often but not necessarily, customization is generally
14 performed in accordance with criteria given by said requester. The response is sent back 504 to
15 the inquirer. The so discovered services may be utilized since the response information may
16 include information enabling the requester to utilize the service." The word customization
17 apparently does not appear in Blight because Blight is not concerned with the customization.

18 The office action references paragraphs in Blight which may indeed use words that are included
19 in elements and/or steps of claims 1-7, 9-16, and 18-27, but does not read upon the combination
20 of elements and steps in these claims. Thus all these claims are allowable in view of Blight.

21 *Regarding claim 13, Blight et al teach a method comprising forming a Service*
22 *Discovery Proxy including the steps of: assigning an available proxy to represent a local*
23 *domain; establishing a connection between said available proxy and a network (page 2,*
24 *section 0017); and registering said available proxy as the Service Discovery Proxy*
25 *representing the local domain (page 5, section 0110-0113 and 0143 and page 7, section*
26 *0212-0220), wherein the step of registering is performed employing a central registry*
27 *(page 2, section 0017 and page 5, section 0111-0113 and 0143 and page 7, section*
28 *0212-0214).*

29 In response applicants respectfully state that claim 13 reads:

Application/Control Number: 10/053,011

11/18

Docket No.: YOR920020013US1

1 13. (previously presented) A method comprising forming a Service Discovery Proxy
2 including the steps of:

3 assigning an available proxy to represent a local domain;

4 establishing a connection between said available proxy and a network; and

5 registering said available proxy as the Service Discovery Proxy representing the
6 local domain, wherein the step of registering is performed employing a central
7 registry.

8 Blight apparently does not have a proxy serving as a Service Discovery Proxy, as is in the
9 preamble and formed by the steps of claim 13. Thus claim 13 and all claims that depend
10 thereupon are allowable over Blight.

11 *Regarding claim 15, Blight et al teach a Service Discovery Proxy comprising; a network*
12 *communication module having an assigned communication address (page 3, section*
13 *0044), a service detector module to detect dynamically available services in a local*
14 *domain represented by said proxy (page 2, section 0011); a processing module to*
15 *process at least one incoming query from a requester regarding availability of at least*
16 *one service (page 4, section 0075-0087 and 0104 and page 5, section 0110-0133); and a*
17 *responding module to form outgoing responses to said at least one incoming query*
18 *allowing discovery of any of said dynamically available services by said requester (page*
19 *~7, section 0205-0221), wherein said network communication module obtains an*
20 *assigned network communication address from a network address assigning entity; and*
21 *registers said assigned network communication address with a central registry as a*
22 *Service Discovery Proxy (page 2, section 0017 and page 4, section 0067 and page 5,*
23 *section 0111-0113 and 0142 and page 7, section 0212-0214).*

24 In response applicants respectfully state that claim 15 reads:

25 15. (previously presented) A Service Discovery Proxy comprising:

26 a network communication module having an assigned communication address,

Application/Control Number: 10/053,011

12/18

Docket No.: YOR920020013US1

1 a service detector module to detect dynamically available services in a local
2 domain represented by said proxy;

3 a processing module to process at least one incoming query from a requester
4 regarding availability of at least one service; and

5 a responding module to form outgoing responses to said at least one incoming
6 query allowing discovery of any of said dynamically available services by said
7 requester, wherein said network communication module obtains an assigned
8 network communication address from a network address assigning entity; and

9 registers said assigned network communication address with a central registry as a
10 Service Discovery Proxy.

11 Blight apparently does not have a proxy serving as a Service Discovery Proxy, as is in the
12 preamble and formed by the steps of claim 15. Thus claim 15 and all claims that depend
13 thereupon are allowable over Blight.

14 Applicants respectfully state that the following statements for the dependent claims find words in
15 Blight that may coincide with, or only be similar to, some words in each of the claims. However,
16 the combination of element and/or steps of each of these dependent claims are new and novel and
17 allowable over Blight with or without Murphy et al.

18 *Regarding claim 2, Blight et al teach a method as recited in claim 1, further comprising*
19 *employing one service from said at least one service (page 1, section 0001 and page 4,*
20 *section 0087 and page 5, section 0128-0133).*

21 In response applicants respectfully state that Blight et al apparently does not teach a method as
22 recited in claim 1. Thus claim 2 which depends on claim 1 is allowable.

23 *Regarding claim 3, Blight et al teach a method as recited in claim 1, wherein the step of*
24 *obtaining includes: contacting a central registry having addresses for a plurality of*
25 *Service Discovery Proxies; and selecting the address of a particular Service Discovery*
26 *Proxy serving the local domain (page 2, section 0017 and page 5, section 0111-0113 and*
27 *page 7, section 0212' 0215).*

28 In response applicants respectfully state that Blight et al apparently does not have or teach a
29 method as recited in claim 1, regarding a Service Discovery Proxy. Thus claim 3 is allowable
30 for itself and because it depends on claim 1 is allowable.

Application/Control Number: 10/053,011

13/18

Docket No.: YOR920020013US1

1 *Regarding claim 4, Blight et al teach a method as recited in claim 1, wherein the step of*
2 *establishing includes employing said address in accordance with a transmission protocol*
3 *(page 3, section 0045-0049 and page 4, section 0067 and 0101).*

4 In response applicants respectfully state that Blight et al apparently does not have or teach a
5 method as recited in claim 1, regarding a Service Discovery Proxy. Thus claim 4 is allowable
6 for itself and because it depends on claim 1 is allowable.

7 *Regarding claim 5, Blight et al teach a method as recited in claim 4, wherein the*
8 *transmission protocol is TCP/IP (page 4, section 0067).*

9 In response applicants respectfully state that Blight et al apparently does not have or teach a
10 method as recited in claim 1, regarding a Service Discovery Proxy. Thus claim 5 is allowable
11 for itself and because it depends on claim 1 is allowable.

12 *Regarding claim 6, Blight et al teach a method as recited in claim 1, wherein the step of*
13 *employing includes querying said Service Discovery Proxy for a list of services currently*
14 *active in said local domain (page 4, section 0104 and page 5, section 0110-0125).*

15 In response applicants respectfully state that Blight et al apparently does not have or teach a
16 method as recited in claim 1, regarding a Service Discovery Proxy. Thus claim 6 is allowable
17 for itself and because it depends on claim 1 is allowable.

18 *Regarding claim 7, Blight et al teach a method as recited in claim 1, wherein said*
19 *requester provides a list of services for which status is queried to said Service Discovery*
20 *Proxy (page 4, section 0015-0087 and pages, section 0.110-0133).*

21 In response applicants respectfully state that Blight et al apparently does not have or teach a
22 method as recited in claim 1, regarding a Service Discovery Proxy. Thus claim 7 is allowable
23 for itself and because it depends on claim 1 is allowable.

24 *Regarding claim 10, Blight et al teach a method as recited in claim 1, wherein the step*
25 *of customizing includes at least one function taken from a group of functions including:*
26 *formatting; filtering; aggregating; encapsulating; segmenting; selecting, and a requester*
27 *defined function (pages, section 0137).*

28 In response applicants respectfully state that Blight et al apparently does not have or teach a
29 method as recited in claim 1, regarding a Service Discovery Proxy. Thus claim 10 is allowable
30 for itself and because it depends on claim 1 is allowable.

31 *Regarding claim 11 Blight et al teach a method as recited in claim 1, wherein the service*
32 *discovery protocol includes Service Location Protocol (page 3 section 0045-0049 and*
33 *page 4, section 0067 and 0101).*

Application/Control Number: 10/053,011

14/18

Docket No.: YOR920020013US1

1 In response applicants respectfully state that Blight et al apparently does not have or teach a
2 method as recited in claim 1, regarding a Service Discovery Proxy. Thus claim 11 is allowable
3 for itself and because it depends on claim 1 is allowable.

4 *Regarding claim 12 Blight et al teach a method as recited in claim 1, wherein the step of*
5 *employing includes receiving information enabling said requester to utilize said at least*
6 *one service (page 1, section 0001 and page 4, section 0087 and page 5, section*
7 *0128-0133).*

8 In response applicants respectfully state that Blight et al apparently does not have or teach a
9 method as recited in claim 1, regarding a Service Discovery Proxy. Thus claim 12 is allowable
10 for itself and because it depends on an allowable claim.

11 *Regarding claim 16, Blight et al teach a proxy as recited in claim 15, wherein said,*
12 *communication address exists in a central registry to allow said proxy to be accessed*
13 *from a plurality of requesters (page 2 section 0017 and page 4, section 0061 and page*
14 *5, section 0111- 0113 and 0142 and page 7, section 0212-0214).*

15 In response applicants respectfully state that Blight et al apparently does not have or teach a
16 method as recited in claim 15, regarding a Service Discovery Proxy. Thus claim 16 is allowable
17 for itself and because it depends on an allowable claim.

18 *Regarding claim 19, Blight et al teach a proxy as recited in claim 15, wherein said*
19 *service detector module communications functionality from a group of functionalities*
20 *including: supports at least one at least one physical communication media; at least one*
21 *link protocol; at least one network protocol; at least one transmission protocol; at least*
22 *one service discovery protocol; receiving service queries from said processing module;*
23 *determining an appropriate communication protocol to be used; performing service*
24 *discovery in accordance with a selected service discovery protocol; and any combination*
25 *of these (page 3, section 0045-0049 and page 4, section 0067 and 0075 and 0087 and*
26 *0101).*

27 In response applicants respectfully state that Blight et al apparently does not have or teach a
28 method as recited in claim 15, regarding a Service Discovery Proxy. Thus claim 19 is allowable
29 for itself and because it depends on an allowable claim.

30 *Regarding claim 20, Blight et al teach a proxy as recited in claim 15, wherein said*
31 *service detector module determines all appropriate communication protocol to use (page*
32 *3, section 0045-0049 and page 4, section 0067 and 0101).*

33 In response applicants respectfully state that Blight et al apparently does not have or teach a
34 method as recited in claim 15, regarding a Service Discovery Proxy. Thus claim 20 is allowable
35 for itself and because it depends on an allowable claim.

Application/Control Number: 10/053,011

15/18

Docket No.: YOR920020013US1

Regarding claim 21, Blight et al teach a proxy as recited in claim 15, wherein said processing module performs a function taken from a group of functions including: querying the availability of at least one service; querying all available services; querying the employment of said service; interpreting said query and invoking service detector module; and any combination of these (page 4, section 0104 and pages 5, section 0110-0125).

In response applicants respectfully state that Blight et al apparently does not have or teach a method as recited in claim 15, regarding a Service Discovery Proxy. Thus claim 21 is allowable for itself and because it depends on an allowable claim.

Regarding claim 22, Blight et al teach a proxy as recited in claim 15, wherein said responding module transmits said query response to the requester (page 2, section 0017 and page 7, section 0205M221). Regarding claim 23, Blight et al teach a proxy as recited in claim 15, wherein said responding module aggregates a plurality of query responses before transmitting a particular response to the requester (page 4, section 0075 and 0087 and page 5, section 0110-0133). Regarding claim 24, Blight et al teach an article of manufacture comprising a computer usable medium having computer readable program code means embodied therein for causing requester discovery of a service, the computer readable program code means in said article of manufacture comprising computer readable program code means for causing a computer to effect the steps of claim 1 (page 2, section 0017 and page 3, section 0044). Regarding claim 25, Blight et al teach a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps for requester service discovery said method steps comprising the steps of claim 1 (page 2, section 0017 and page 3, section 0044). Regarding claim 27, Blight et al teach a computer program product comprising a computer usable medium having computer readable program code means embodied therein for causing functions of a Service Discovery Proxy, the computer readable program code means in said computer program product comprising computer readable program code means for causing a computer to effect the functions of claim, 15 (page 2, section 0017 and page 3, section 0044).

In response applicants respectfully state that Blight et al apparently does not have or teach a method as recited in claim 15, regarding a Service Discovery Proxy. Thus claims 22-27 are allowable for themselves and because each depends on an allowable claim.

Claim Rejections - 35 USC : 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject

Application/Control Number: 10/053,011

16/18

Docket No.: YOR920020013US1

1 ~~_____~~ matter pertains. Patentability shall not be negated by the manner in which the
2 invention was made.

3 6. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over to
4 Blight et al (US Publication 2002/0194498) in view of Murphy et al (USPN 6,845,393)
5 Regarding claim 8, Blight et al teach a method as recited in claim 7 (page 4, section
6 0075-0057 and page 5, section 0110-0133). Blight et al does not teach dynamically
7 updating the list of services currently active in said local domain without registering
8 any of said services with a central registry. Murphy et al teach further comprising
9 dynamically updating the list of services currently active in said local domain without
10 registering any of said services with a central registry (abstract, column 4, lines 19-32
11 and column 6, line 39-column 7, line 5). Therefore it would have been obvious to one of
12 ordinary skill in the art at the time the invention was made to further modify the mobile
13 communication system for location aware services of Blight et al dynamically updating
14 the list of services currently active in said local domain without registering any of said
15 services with a central registry because this creates a more global system and relieves
16 the registry of having to keep up to date information on each service. Regarding claim
17 17, Blight et al teach a proxy as recited in claim 15 (page 7, section 0205-0221).

18 Blight et al does not teach establishes a listening port for incoming queries; and
19 communicates with a plurality of requesters with a transmission protocol. Murphy et al
20 teach wherein said network communication module further: establishes a listening
21 port for incoming queries; and communicates with a plurality of requesters with a
22 transmission protocol (column 4, lines 11-18). Therefore it would have been obvious to
23 one of ordinary skill in the art at the time the invention was made to further modify the
24 'mobile communication system for location aware services of Blight et al by establishes a
25 listening port for incoming queries; and communicates with a plurality of requesters
26 with a transmission protocol because the proxy will be able to receive all queries that
27 are trying to be submitted regardless of any obstruction such as a firewall.

28 In response applicants respectfully state that there is no apparent reason to make this combination
29 except for hindsight in an attempt to find the elements of claims 8 and 17. Since Blight et al
30 apparently does not have or teach a method as recited in claim 1 or 13 or 15, regarding a Service
31 Discovery Proxy. Thus with or without Murphy claims 8 and 17 are allowable for themselves
32 and because each depends on an allowable claim.

33 This amendment brings claims 1-8, 10-13, 15-17, 19-25, and 27 to allowance. Claims 9, 14, 18
34 and 26 are canceled. A listing of the claims is provided as required in the new USPTO
35 amendment practice per 37 CFR 1.121.

Application/Control Number: 10/053,011

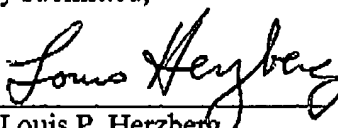
17/18

Docket No.: YOR920020013US1

- 1 It is anticipated that this amendment brings the application to allowance of all but the canceled
2 the claims. Favorable action is respectfully solicited. In the unlikely event that any claim
3 remains rejected, please contact the undersigned by phone in order to discuss the application.
- 4 Please charge any fee necessary to enter this paper to deposit account 50-0510

5 Respectfully submitted,

6 By:


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11 Customer Number: 54856